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UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

THOMAS COOLIDGE and MARIO EHLERS  
Junior Party  
(Patent No. 6,284,725),

v.

SUAD EFENDIC,  
Senior Party  
(Application No. 09/400,802).  
Patent Interference No. 105,457 (MPT)  
(Technology Center 1600)

**Judgment – Preliminary Motions - Bd. R. 127**

Before: RICHARD TORCZON, SALLY GARDNER LANE, and  
MICHAEL P. TIERNEY, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

The Board has entered a Decision on Motions in this interference. (Paper 91). As discussed in the Decision, Efendic's involved claims are unpatentable to Efendic under 35 U.S.C. 112 1<sup>st</sup> paragraph for lack of sufficient enablement and written description. Efendic's lack of written description of an involved application claim(s) is a threshold issue that deprives Efendic of standing in this

interference. 37 C.F.R. § 41.201. Accordingly, we enter judgment against Efendic.

It is:

**Ordered** that Efendic claims 1-11 of involved U.S. Application 09/400,802 be FINALLY REFUSED, 35 U.S.C. § 135(a).

**Further Ordered** that a copy of this judgment be entered in the administrative records of the involved Coolidge patent and Efendic application.

cc (electronic filing):

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